

## REMARKS

This application has been reviewed in light of the final Office Action mailed on October 13, 2010. Claims 1-8 and 11-24 are pending in the application with Claims 1, 18, 23, and 24 being in independent form. Claims 9 and 10 have been previously cancelled. It is respectfully submitted that the Claims pending in this application are fully supported by the specification, introduce no new matter, and are allowable over the cited references. Reconsideration of the present application is respectfully requested in view of the following remarks.

Claims 1-8, 11-16, and 18-24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Van Heeswyk (U.S. Patent No. 6,765,883) in view of Shinnarajah et al. (U.S. Application No. 2004/0008679) and further in view of Salloum Salazar et al. (U.S. Patent No. 6,700,878). Applicants respectfully traverse the rejection.

Claim 1, recites, *inter alia*, as follows:

“...indicating, via a secondary station of the plurality of secondary stations, the **estimated level of interest** by transmitting a predetermined signal in a preselected one of the plurality of random access slots, the estimated level of interest **based on at least a threshold value.**” (Emphasis added.)

The applied combination of Van Heeswyk, Shinnarajah, and Salazar fails to disclose and/or suggest at least “...indicating, via a secondary station of the plurality of secondary stations, the estimated level of interest by transmitting a predetermined signal in a preselected one of the plurality of random access slots, the estimated level of interest based on at least a threshold value,” as recited in independent Claim 1.

At page 4 of the present final Office Action, the Examiner stated that the applied combination of Van Heeswyk and Shinnarajah does not explicitly teach “the estimated level of interest based on at least [a] threshold value.” The Examiner relied on Salazar to cure the deficiencies of Van Heeswyk and Shinnarajah. However, Salazar does not cure the deficiencies of Van Heeswyk and Shinnarajah.

At page 4 of the present final Office Action, the Examiner relied on Column 4, lines 50-65 of Salazar to teach an “estimated level of interest” feature based on a “threshold value.”

However, Column 4, lines 50-65 of Salazar state:

“A plurality of further outputs of the demodulator 40 provides a strength measure for each of the carriers. This strength measure can e.g. be determined by measuring the amplitude of the IF signal of each of the carriers. It is observed that this amplitude measurements should be performed quickly enough in order to distinguish between the strength of subsequent double slots. A detector 38 is arranged for determining the state of each of the uplink channels. This is done by **monitoring the strength value determined for each carrier in the demodulator 40 and deciding for each time slot whether the strength measure in said time slot exceeds a given threshold value. If the threshold value is exceeded, the channel is provisionally marked as seized.** Otherwise the channel is indicated to be free. This information is passed to the control means 30 which uses it to establish a list of free channels.” (Emphasis added.)

It is not clear where such cited section of Salazar refers to or even implies an estimated level of interest based on a threshold value. There is no indication of conducting an estimate to determine if the number of secondary stations exceeds a threshold value. It is true that Salazar refers to a threshold value. However, Salazar does **not** estimate a level of interest of a number of secondary stations based on such threshold value, as clearly recited in the Claims. Instead, Salazar states that a determination is made as to whether channels are “seized” based on whether a strength measure of a time slot exceeds a threshold. In other words, Salazar is

concerned with which channels are “free” or not used based on whether a strength measure exceeds a threshold value. In contrast, the present Claims refer to computing an “estimation” that is adequate for counting the number of secondary users (i.e., level of interest of secondary users), the estimate based on a threshold value. The present Claims clearly do not refer to whether channels are free based on a threshold value.

Thus, the applied combination of Van Heeswyk, Shinnarajah, and Salazar does not teach and/or suggest the features recited in the present Claims.

Independent Claims 18, 23, and 24 include the same or similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 1, 18, 23, and 24 and allowance thereof is respectfully requested.

Dependent Claims 2-8, 11-16, and 19-21 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1, 18, 23, and 24. Additionally, dependent Claims 2-8, 11-16, and 19-21 contain further distinguishing patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 2-8, 11-16, and 19-21, and allowance thereof are respectfully requested.

Claim 17 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Van Heeswyk, Shinnarajah, and Salazar, and further in view of Cooper et al. (U.S. Application No. 2002/0069038). Applicants respectfully traverse the rejection.

Dependent Claim 17 is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1. Additionally, dependent

Claim 17 contains further distinguishing patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claim 17, and allowance thereof are respectfully requested.

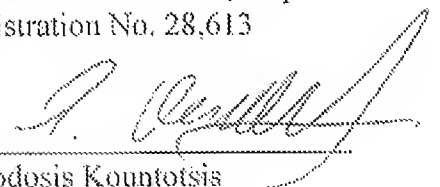
In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the applicant's attorney, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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